

REMARKS

As an initial matter, the undersigned acknowledges the courtesies extended by the Examiner in the interview of March 31, 2004.

This Amendment, submitted in response to the Office Action dated January 2, 2004, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1-23 remain pending in the application. Claims 1-8 and 20-21 remain allowed. Claims 11-18 have been deemed allowable over the art of record but have been objected to for depending in rejected base claims. Claims 9-10 and 19 have been rejected under 35 U.S.C. § 103 as being unpatentable over Levine in view of Harshbarger (both previously of record). Claims 22-23 have been rejected under 35 U.S.C. § 103 as being unpatentable over Levine in view of Harshbarger and further in view of Allen (U.S.P. 5,768,633). Applicant amends allowable claim 11 in independent form. The modification should be entered as they raise no new issues and place the application in better condition for appeal. Applicant submits the following arguments in traversal of the rejections.

Applicant's invention relates to a method to provide image printing. Detailed descriptions of the background and exemplary embodiment are set forth in the October 2, 2003 Amendment at pages 8-9. Similarly, Levine and Harshbarger are described in the October 2 Amendment at page 9. Applicant refers the Examiner to these descriptions. Applicant would emphasize that a feature of the invention is the ability for a print output to take into account variations in a display device that displays an image to be printed. In that connection, the invention includes an object image which is subject to image pick up to provide a reproduced

image data, and a reference image that is also subject to image pick up. The invention further provides for estimating a display state of the reproduced image based on the reference image. The print image data, in turn, is provided taking into account the estimated reproduced image. Significantly, the estimated reproduced image was previously assessed based on the reference image data.

The Examiner continues to maintain that independent claim 9 is unpatentable over the combination of Levine and Harshbarger for the reasons of record. The Examiner further offers rebuttals to Applicant's previously submitted arguments. Applicant would continue to maintain that the fundamental deficiency in the rejection relates to the lack of "restoring print image data ... on the basis of the estimated displayed state of the reproduced image." Notably, the estimated displayed state is derived from the reference data. Therefore, the reference data has the characteristic of 1) being captured from a display and 2) further has the characteristic of serving as the basis for restoring print image data.

The Examiner contends that Levine teaches the print data, but concedes that Levine does not teach any reference image. For the reference image, the Examiner cites Harshbarger. However, Harshbarger only relates to references for a display output device, and not for any printers. To the extent Harshbarger teaches the reference image, the reference image does not relate back to any print data. Therefore, even with the combination of Levine and Harshbarger, the combination of references only teaches restoration of print data, and separate reference of the display data. There is nothing that relates the reference data back to the print data as described by claim 9. Thus, the prior art did not recognize relating display reference data as a characteristic for modifying print data. In other words, the dual characteristics associated with

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Appln. No. 09/139,330

the reference image data of Applicant's claim 9 are not taught by the combination of Levine and Harshbarger.

Applicant would further emphasize that the above argument does not merely state the deficiency of each reference individually. Rather, the particular combination of Levine and Harshbarger does not teach the claim features. Specifically, while the reference image data of claim 9 provides a relationship between print and display, the reference image data of Harshbarger only provides the reference in relation to a display. Similarly, Levine only describes corrections in relation to a print. Therefore, Applicant would continue to maintain that claim 9 is patentable for at least these reasons. Claims 10 and 19 are patentable based on their dependency.

With further regard to claims 22-23, Applicant would submit that Allen does not make up for the deficiencies set forth above in the discussion of claim 9. Therefore, claims 22-23 are patentable for this additional reason.

In view of the above, Applicant submits that claims 1-23 are in condition for allowance. Therefore it is respectfully requested that the subject application be passed to issue at the earliest possible time. The Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary.

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Appln. No. 09/139,330

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

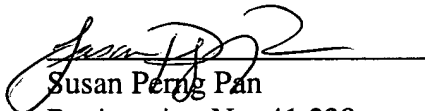
Respectfully submitted,

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER


Susan Perng Pan
Registration No. 41,239

Date: April 2, 2004